

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EASTPOINTE DWC, LLC d/b/a
DETROIT WING COMPANY,

Plaintiff,

No. 19-13768

v.

Hon. Nancy G. Edmunds

WING SNOB INC., and
WING SNOB FRANCHISING, LLC,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION FOR SANCTIONS [89]
WITHOUT PREJUDICE AND DENYING DEFENDANTS' MOTION
FOR LEAVE TO FILE A SUPPLEMENTAL EXHIBIT [95] AS MOOT**

This is a trade dress and trademark infringement and copyright infringement case. On February 11, 2021, Defendants moved for summary judgment. (ECF No. 71.) Prior to the Court ruling on that motion, on April 12, 2021, Defendants filed the present motion for sanctions. (ECF No. 89.) Defendants move for sanctions pursuant to Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, the Lanham Act, and the Copyright Act. Defendants' motion rests in part on the same arguments raised in their motion for summary judgment and their contention that Plaintiff's claims are frivolous and harassing. However, the Court recently entered an order denying in part Defendants' motion for summary judgment, finding sufficient evidence to create a genuine issue of fact as to several of Plaintiff's claims. (ECF No. 100.) Thus, Defendants' motion for sanctions (ECF No. 89) is DENIED without prejudice. Defendants may refile their motion, if they deem it appropriate to do so, but with the Court's ruling on the motion for summary judgment and

the current posture of the case in mind. Because the Court is denying Defendants' motion for sanctions, Defendants' motion for leave to file a supplemental exhibit in further support of that motion (ECF No. 95) is DENIED as moot.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 4, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 4, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager